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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER DUNLOP,

x

Plaintiff,

vs.

06-CV-433 (KMK) (JCF)
ECF
NOTICE OF MOTION

THE CITY OF NEW YORK a municipal entity
MICHAEL BLOOMBERG, Mayor of the City of
New York, RAYMOND KELLY, Police
Commissioner of the City of New York, JOSEPH
ESPOSITO, Chief of the Department, New York
City Police Department, THOMAS GRAHAM,
Commanding Officer of the Disorder Control Unit
of the New York City Police Department, JOHN J.
COLGAN, Deputy Chief and Commanding Officer,
Pier 57, New York City Police Department,
THE NEW YORK COUNTY DISTRICT
ATTORNEY'S OFFICE, NEW YORK DISTRICT
ATTORNEY ROBERT MORGENTHAU, POLICE
OFFICER MAYA GOMEZ, shield number 27230,
POLICE OFFICER JOHN DOE's 1-3, and the
HUDSON RIVER PARK TRUST, in their individual
and official capacities, jointly and severally,

Defendant(s).

x

To: James Mirro
New York City Law Department, Office of the Corporation Counsel
100 Church Street
New York, NY 10007

PLEASE TAKE NOTICE that Plaintiff, Alexander Dunlop, by his undersigned counsel, Kurland & Associates, P.C., shall move before the Honorable Kenneth M. Karas, United States District Judge, at the United States Courthouse, 500 Pearl Street, Room 21D, New York, NY, on a date and at a time designated by the Court, so counsel may be heard, for an order granting the Plaintiff,

(1) that this case be remanded in full to the New York County Supreme Court, pursuant to 28 U.S.C. § 1441(c), as the entire matter is predominated by state law and this Court has the discretion to remand “all matters in which State law predominates” which, in the instant case, relates and refers to not only to the state law claims, but the *entire* case; or in the alternative, should this Court decline to remand the entire case to State court, that it remand each and every State law claim to the New York County Supreme Court, pursuant to 28 U.S.C. § 1441(c);

(2) that this case be remanded in full to New York County Supreme Court, pursuant to 28 U.S.C. § 1441(c) as the entire matter is predominated by state law and this Court has the discretion to remand “all matters in which State law predominates” which, in the instant case, relates and refers to not only to the state law claims, but the *entire* case; or in the alternative, should this Court decline to remand the entire case to State court, that it remand each and every State law claim to the New York County Supreme Court, pursuant to 28 U.S.C. § 1441(c).


(3) that the DEFENDANTS pay to DUNLOP his just costs, and expenses, including attorney’s fees, incurred as a result of the improper removal of this case, and

(4) that this Court grant such other and further relief as may be just and proper.

Dated: New York, NY
March 31, 2006

Respectfully submitted,

KURLAND & ASSOCIATES, P.C.

By 
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